IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 11TH APRIL 2007 / 21ST CHAITHRA 1929

WP(C).No. 12509 of 2007(S)

OA.418/2006 of CENTRAL ADMINISTRATIVE TRIBUNAL,ERNAKULAM BENCH

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PETITIONER:

M.RAMAKRISHNAN, S/O.LATE S.MURUGAN,
AC COACH ATTENDANT - 1, SOUTHERN RAILWAY,
TRIVANDRUM - 14.

BY ADV. SRI.P.K.MADHUSOODANAN

RESPONDENTS:
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1. DIVISIONAL PERSONNEL OFFICER,
SOUTHERN RAILWAY, TRIVANDRUM - 14.

2. SRI.G.RAVINDRANATHA KURUP,
TECHNICIAN III/AC/ALLEPPEY.

3. UNION OF INDIA,
REPRESENTED THROUGH THE GENERAL MANAGER,
SOUTHERN RAILWAY, PARK TOWN, CHENNAI - 3.

4. THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH, KOCHI-17.

BY SC FOR RAILWAYS SMT. RAJESWARI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN & A.K. BASHEER, JJ.

W.P(C)NO: 12509 OF 2007

Dated this the 11th April, 2007.

JUDGMENT

Denesan, J.

The petitioner approached the Central Administrative Tribunal, Ernakulam Bench seeking to set aside Ext.P4 order promoting him to the post of Technician III and posting him at Alappuzha. As on the date of passing Ext.P4 he was working at Thiruvananthapuram. According to the petitioner he ought not to have been posted anywhere other than at Thiruvananthapuram. It is contended that all others who were given the benefit of promotion by Ext.P1 order have been posted at Thiruvananthapuram and a hostile discrimination has been practiced against the petitioner. According to him, he belongs to a scheduled caste community and is entitled to the protection in matters of transfers and postings, in accordance with the guidelines issued by the Railways.

2. The Tribunal considered the contentions of the petitioner and that of the respondents and found that the protection claimed by the petitioner cannot be allowed in the matter of transfers and postings since the benefit of

reservation contemplated in Article 16(4) of the Constitution of India will not extend to matters other than appointments/promotions. The Tribunal has taken such a view following the decision of the Full Bench of the Central Administrative Tribunal, Hyderabad Bench. The Tribunal also found that employees cannot, as of right, get the benefit of the guidelines issued by Administrative Authorities and that judicial review cannot be extended to areas other than to review orders of transfers challenged on the ground of malafides or statutory violation or incompetency.

3. We are in agreement with the view taken by the Tribunal. Hence this writ petition is liable to be dismissed.

4. Counsel for the petitioner submits that the petitioner has not so far been relieved pursuant to Exts.P1 and P4. If the petitioner has not so far been relieved, the respondents concerned shall pass appropriate orders and the petitioner will be free to join duty at Alappuzha and thereafter to submit representation, if any, before the

respondents for getting a transfer back to Thiruvananthapuram. With the above observation, the writ petition is dismissed.

K.K.DENESAN
Judge

A.K. BASHEER
Judge

jj

K.K.DENESAN & V. RAMKUMAR, JJ.

M.F.A.NO:

JUDGMENT

Dated: